



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

~~John W. Hamilton~~ Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.ai.org/idem

May 11, 1999

VIA CERTIFIED MAIL # Z 376 766 500

Dr. M. Reed Taylor
455 W. 600 N.
Howe, IN 46746

Dear Sir:

Re: Howe 121 Park
LaGrange County

SOLD
TO
J.A. WAGNER
PLAN
RECEIVED

Warning of Noncompliance

It has been brought to the attention of this Office that the above-mentioned project is now under construction. According to the records of the LaGrange County Soil & Water Conservation District (SWCD) Office and those of this Office, your construction project is out of compliance with 327 IAC 15-5 (Rule 5).

The requirements under the General Permit Rule for Storm Water Run-off Associated with Construction Activity (Rule 5) apply to persons involved in any land disturbing activity, including clearing, grading, excavation, grubbing, demolition, and others, except operations that result in the disturbance of fewer than five (5) acres of total land area which are not part of a larger common plan of development or sale.

It is our understanding that land disturbing activity has already taken place on this project, without erosion control measures being in place, and without Rule 5 Permit coverage. In accordance with 327 IAC 15-2-5, you are required to submit an Erosion Control Plan that is adequate to comply with the requirements of 327 IAC 15-5-7 to the LaGrange County Soil & Water Conservation District, and a Notice of Intent and \$100 filing fee to this Office. These items must be submitted to the appropriate Offices by **May 28, 1999**. In addition to submission of the required paperwork, your Erosion Control Plan must be implemented on site by this date to be in compliance with Rule 5.

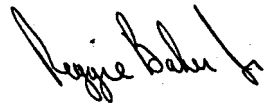
Continued on Page 2

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It is the belief of this Office that these violations are of a serious nature and deserve your immediate attention. In accordance with 327 IAC 15-5-10, persons violating any of the provisions of this rule shall be subject to enforcement and penalty under IC 13-15-1-1, IC 13-30-3-1, IC 13-14-10-1, 327 IAC 15-1-4, or any combination thereof. **Please be advised that until these items are received, any earth disturbing activity on your project is considered operation without a permit.** The goal of this Office is to assist developers in complying with Rule 5, however, failure to comply with this request will potentially result in enforcement proceedings being initiated.

A copy of 327 IAC 15-5 and the NOI packet have been included for your convenience. Questions regarding this letter or the NOI may be directed to the Rule 5 Coordinator at 317/233-1864. Questions regarding the Erosion Control Plan or its implementation may be directed to the LaGrange County SWCD at 219/463-3471 or to Mr. Dave Lefforge of the IDNR at 219/824-1930 x105.

Sincerely,



Reggie Baker, Jr., Chief
Pretreatment & Urban Wet Weather Section
Office of Water Management

Enclosures

MT/mt

cc: LaGrange County SWCD
Mr. Dave Lefforge - IDNR



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May 11, 1999

VIA CERTIFIED MAIL # Z 376 766 500

Dr. M. Reed Taylor
455 W. 600 N.
Howe, IN 46746

CANCEL

Dear Sir:

Re: 200 North Park
LaGrange County

Warning of Noncompliance

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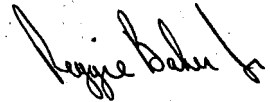
Continued on Page 2

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Sincerely,



Reggie Baker, Jr., Chief
Pretreatment & Urban Wet Weather Section
Office of Water Management

Enclosures

MT/mt

cc: LaGrange County SWCD
Mr. Dave Lefforge - IDNR

IDNR Division of Soil

To: Mike Thompson, IDEM, Compliance & Violations
Brett Krump, IDEM, Wetlands

From: Mark A. Diehm, IDNR Division of Soil
per; Dave Lefforge, IDNR Division of Soil

Re: Rule 5 Violations in LaGrange County

4/27/99

Mike & Brett,

Ne, Ter
We have a situation here in LaGrange County where a landowner / developer, Dr. M. Reed Taylor, has once again started a subdivision without a Rule 5 Plan. The first time I ran into this situation Dr. Taylor was starting a development next to the Indiana 80-90 Toll Road along State Road 9. He was told through the LaGrange county Plan Commission that he needed a Rule 5 plan. **After developing two lots** on the site, he finally sent a Rule 5 plan for just the new entrance drive off of SR 9. This was in February of 1998.

Now, he has been requesting expansion of that development, as well as a new development area, since last November, 1998. The expansion development is titled "Howe121 Park" and the new site is called "200 North Park."

Enclosed are letters sent to the County Plan Commission and County Plat Committee that were presented, and on record as such, during the Plat and Plan review hearings.

Both of these plats were presented several times since November and I requested Rule 5 Plans with each hearing. Copies of the first and last letters that were presented to Dr. Taylor are enclosed.

A lot on the Howe 121 property has been sold and the new lot owner is "Lifetime Homes Inc." Excavation was began on the Howe 121 Site sometime the week of April 19, 1999. I observed this as a violation on Tuesday, April 20, 1999. I gathered the information I needed from the County to mail a letter requesting a Rule 5 plan. On Wednesday 4-21-99, before I could compile a letter, a Rule 5 plan was delivered to my office. I reviewed it but the plan was not what we call reviewable. Too many items were missing. The review was FAXED to the developer, J.A. Wagner Construction of Elkhart. I requested a copy of the NOI that was sent to IDEM. The start date on the NOI is listed as May 1, 1999. Soil has already been moved on this site. The NOI is signed April 22, 1999. Total disturbed area is to planned to be 20 acres, much is already disturbed.

The **200 North Park** site is currently excavating without a Rule 5 plan also. The contractor, Schenkel and Sons of Fort Wayne, have cut in the main subdivision drive and prepped for a building pad. They also have installed silt fences along the critical perimeter as well as established a short length of gravel construction entrance pad at the site. The site review, enclosed, shows that there is a small amount of sediment that has left the site through a breach under a silt fence. We had heavy rains on Thursday and this is when this occurred. Without the silt fences, this would have been a mess in the County road ditch as well as along State Road 9.

The disturbed area of the 200 North site is about 2.5 to 3 acres and the site plan covers 15 to 20 acres.

There is a large wooded wetland area along the South side of the 200 North property. Initial plat design showed this to be part of the developed lot areas. My plan / plat review letters reflect the fact that known wetlands are on the property and need to be delineated. To date no construction activity is being done near this area.

Dr. Taylor has not sent a Rule 5 plan for the overall site of the Howe 121 Park or the 200 North Park to this office to date. After reviewing the situation with Dave Lefforge, I am requesting a compliance letter be sent to Dr. Taylor requesting a Rule 5 Plan. Additional persons to mail this letter to are listed. These persons are usually associated with Dr. Taylor in all his development business. They are as follows:

Pionier Development
112 N. Detroit St.
LaGrange, IN 46761

Dr. M. Reed Taylor
0455 W 600 N
Howe, IN 46746

Dr. Taylor's attorney,

Fred Hartz
207 W. Michigan St
LaGrange, IN 46761

Thank You for your assistance in this matter.



Mark A. Diehm, Resource Specialist, IDNR
Assisting the LaGrange SWCD

My address is :

LaGrange Co. SWCD
910 S. Detroit St
LaGrange, IN 46761

Tele # 219-463-3471, x3
fax # 219-463-2041

VOICE MAIL :
1-800-440-7536
Box 5054

LaGrange County

SOIL & WATER CONSERVATION DIST.

910 S. Detroit Street • LaGrange, Indiana 46761

(219) 463-3471 • (219) 463-5200

*200 North Park
Parcel*


To: LaGrange Co. Plat Committee

Date: Jan. 7, 1999

Dr. Lisa Booth, (99-SP-01) This site must have a Rule 5 erosion control plan from the owner Dr. Reed Taylor. This Rule 5 plan must address the ENTIRE site and wetlands must be delineated as part of this plan.

William & Janice Campbell, (98-SB-62) This site must have a Rule 5 erosion control plan. This Rule 5 plan must address the ENTIRE site and wetlands, if present, must be delineated as part of this plan.

This report was prepared by


Mark A. Diehm
Resource Specialist
Indiana Department of Natural Resources
Division of Soil Conservation
assisting the LaGrange County Soil and Water Conservation District

MISSION STATEMENT: Provide Leadership and Assistance in the proper use and management of soil, water and related natural resources in LaGrange County

ALL PROGRAMS AND SERVICES OF THE SOIL CONSERVATION SERVICE ARE OFFERED ON A NONDISCRIMINATORY BASIS, WITHOUT REGARD TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, AGE, MARITAL STATUS OR HANDICAP.

Soil types are Parr loam and Brems sand.

PrA ; Parr Loam is level, deep and well drained.

- **Permeability is moderate.** (this means that water soaks in fairly fast.)
- **Severe restrictions for road building** due to low strength.
- **Septic tank restriction is moderate** due to moderate permeability.

BtA ; Brems sand is nearly level, gently sloping, deep and well drained.

- **Permeability is Rapid. Seasonal high water table is 2-3 feet.**
- **Prone to wind erosion, special care should be taken during construction to control wind blown soil.**
- **Building limitations are moderate for buildings without basements and severe for buildings with basements** due to high watertable.
- **Moderate restrictions for road building** because of wetness.
- **Septic tank restrictions is severe** due to the high watertable and poor filtering quality of the soil.
- ***Groundwater contamination is possible due to rapid permeability.***

- **Wetlands are present on the property.** These are located at the South of the property in the BtA soil area. **Wetlands need to be delineated** and not disturbed, or **permits will need to be secured** and any mitigation plans in place **before fill activities may be pursued.**

- **Rule 5 plan for erosion control will be needed for the ENTIRE site.** Covenants will need to be placed on the deeds that indicate that as lots are sold, the new owners will abide by the erosion plans produced by the current owner.

- **Plans must be submitted to the Soil and Water Conservation District office before any earth distrurbing activity may be undertaken.**

Review compiled by Mark A. Diehm, Resource Specialist, Indiana Department of Natural Resources.